December 20, 1976

DISPOSITION OF FBI FILES

Federal regulations (41 CFR 101-11) require that records of continuing OR HISTORICAL value are preserved and that records no longer of current use are disposed of promptly. In connection with these regulations, the FBI follows an active destruction program for obsolete material in accordance with the Records Retention Plan established by the National Archives and Records Service (NARS). Destruction relating to investigative matters generally applies to: (a) cases in which there was no prosecution, (b) perpetrators of violations not developed, and (c) investigation revealed allegations were unsubstantiated or not within the FBI's jurisdiction.

Additionally, NARS has provided authority for all FBI field offices to destroy investigative matters when the case is closed since the field is required to forward to FBI Headquarters the originals, duplicates, or summarizations of substance of all significant aspects of pertinent investigative matters. However, this authority has not been completely delegated to the field since they have a need to maintain certain files for investigative reference. For this purpose, the field may destroy files after they have been closed for: (a) six months in Auxiliary (or lead) Offices and (b) ten years in Office of Origin (controlling offices).

The FBI, however, is taking great care to insure that no files are destroyed that involve litigation or matters that would be of interest to a Congressional inquiry. In accordance with the House Select Committee on Assassinations, the FBI's investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. would be of prime interest to the Committee. Therefore, FBI Headquarters advised all field offices on November 24, 1976, that all files regarding these matters (even though they are duplicated at FBI Headquarters with all pertinent and significant data) should not be destroyed.

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Serv. ____
Ext. Affairs ____
Fin. & Pers. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Rec. Mgmt. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

JWA:eyb
(7)

APPROVED:
Director ____
Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____

Adm. Serv. ____
Ext. Affairs ____
Fin. & Pers. ____
Gen. Inv. ____
Ident. ____
Intell. ____

Legal Coun. ____
Plan. & Insp. ____
Rec. Mgt. ____
S. & T. Serv. ____
Spec. Inv. ____
Training ____

MAIL ROOM ☑ TELETYPE UNIT ☐

62-117290-27

ENCLOSURE

FBI/DOJ